

HOUSE BILL 2690
By Bowers

AN ACT relative to creating an Alzheimer's disease treatment demonstration project oversight committee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) For purposes of this act:

(1) "Advisory member" means a member who gives advice to the other members of the committee but who is not eligible to vote and is not a member for purposes of determining whether a quorum is present; and

(2) "Custodial care services" means incontinence care, care of confused or agitated persons and other services which are offered primarily to meet personal and functional needs and which can be provided by persons without professional skills or professional training. Custodial care services also means assistance in securing licensed in-home medical services provided by licensed professionals as ordered by a resident's personal physician. Custodial care services may include the safe administration and documentation of medications and treatments if administered by a nurse licensed pursuant to Tennessee Code Annotated, Title 63, Chapter 7, a physician assistant licensed pursuant to Tennessee Code Annotated, Title 63, Chapter 19, or as otherwise provided by law.

(b) An Alzheimer's disease treatment demonstration project oversight committee is created consisting of the following members:

(1) Two (2) advisory members of the senate who represent different political parties to be appointed by the speaker of the senate. Each even numbered year the speaker of the senate shall designate one (1) of these members to serve as committee chairman;

(2) Two (2) advisory members of the house of representatives who represent different political parties to be appointed by the speaker of the house of representatives. Each odd numbered year the speaker of the house of representatives shall designate one (1) of these members to serve as committee chairman;

(3) The commissioner of health or the commissioner's designee;

(4) The commissioner of economic and community development or the commissioner's designee;

(5) One (1) physician who is licensed under Tennessee Code Annotated, Title 63, Chapter 6 or 9, to be appointed by the governor;

(6) One (1) psychologist who is licensed under Tennessee Code Annotated, Title 63, Chapter 11, who practices in the area of geriatric psychology, to be appointed by the governor;

(7) One (1) certified nurse practitioner who is licensed under Tennessee Code Annotated, Title 63, Chapter 7, who specializes in adult or geriatric care, to be appointed by the governor;

(8) Two (2) persons representing health care facilities licensed by the state who provide services to Alzheimer's disease clients, to be appointed by the governor; and

(9) One (1) public member, to be appointed by the governor.

(c) Appointed members serve at the pleasure of the appointing authority. A majority of committee members present constitutes a quorum.

(d) Committee members are not eligible to receive compensation, but are eligible to be compensated for expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(e) The project oversight committee shall develop and implement a demonstration project designed to establish a subclass of licensure for health care facilities that wish to provide treatment to people with Alzheimer's disease and other dementia. The committee shall also:

(1) Inform potential providers of the demonstration project and seek letters of intent;

(2) Review letters of intent and select up to fifteen (15) provider organizations to participate in the demonstration project;

(3) Receive testimony from providers, professionals, regulatory agencies and participating families as needed to assure state-of-the-art dementia care;

(4) Monitor the participants' compliance with the criteria established in subsection (h) of this act;

(5) Recommend legislation regarding the licensure of dementia-specific residential care based on the results of the demonstration project; and

(6) Submit a report regarding the committee's activities and recommendations for administrative or legislative action on or before November 15 of each year to the governor, the speaker of the senate and the speaker of the house of representatives.

(f) The commissioner of the department of health shall:

(1) Process the unclassified health care facility license applications of project participants;

(2) Monitor each participant to assure its compliance with the unclassified health care facility requirements and that the life, health and safety of residents is assured;

(3) At a minimum conduct an annual survey and an investigation of any complaints; and

(4) Submit to the Alzheimer's demonstration project oversight committee copies of any statements of deficiencies, plans of correction and complaint investigation reports applying to project participants.

(g) Committee members shall not be project participants and shall have no direct association with a facility that applies for project participation.

(h) Project participants shall:

(1) Be licensed as an unclassified health care facility by the department of health;

(2) Provide care only to people who have been diagnosed with Alzheimer's disease or other dementia;

(3) Provide a level of care that does not exceed custodial care;

(4) Serve at least eleven (11) residents;

(5) Have a person licensed under Tennessee Code Annotated, Title 63, Chapter 6 or 9, or have a physician assistant or orthopedic physician assistant who is licensed under Tennessee Code Annotated, Title 63, Chapter 19, or a certified nurse practitioner who is licensed under Tennessee Code Annotated, Title 63, Chapter 7, available on a twenty-four (24) hour on-call basis to provide physical and behavioral health care to each resident;

(6) Have buildings and furnishings that are designed to provide for the residents' safety. Facilities shall have indoor and outdoor activity areas, controlled exits from the buildings and grounds and rooms that house and sleep no more than two (2) residents;

(7) Have a resident-to-staff ratio that is designed to meet each resident's daily activity needs. There shall not be more than six (6) residents for every one (1) staff member during the morning and evening hours and not more than twelve (12) residents for every one (1) staff member during nighttime hours. The facility's director and maintenance staff are not included in calculating this ratio;

(8) The manager of the facility shall have a minimum of a bachelor's degree or three (3) years' work experience with persons affected by dementia;

(9) Require that new employees receive at least sixteen (16) hours of orientation and at least four (4) hours of in-service training each month; and

(10) Submit quarterly reports to the committee as directed by the committee.

SECTION 2. This act is repealed from and after June 30, 1998.

SECTION 3. This act shall take effect upon becoming a law, the public welfare

requiring it.